LIBRARY
SUPREME COURT, U. S.

Supreme Court, U. S.
FILED
APR 13 1976
MICHAEL RODAK, JR., CLERK

# In the Supreme Court
OF THE
# United States

OCTOBER TERM, 1975

**No. 75-1362**

EDMUND J. OLSEN,
*Petitioner,*

VS.

THE PEOPLE OF THE TERRITORY OF GUAM,
*Respondent.*

**On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit**

## REPLY BRIEF

HOWARD TRAPP,
Post Office Box 3367,
Agana, Guam 96910,
*Attorney for Petitioner.*

PERNAU-WALSH PRINTING CO. - 582 MISSION STREET - SAN FRANCISCO, CA 94105

# In the Supreme Court
OF THE
# United States

---

OCTOBER TERM, 1975

---

No. 75-1362

---

EDMUND J. OLSEN,
*Petitioner,*

VS.

THE PEOPLE OF THE TERRITORY OF GUAM,
*Respondent.*

---

**On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit**

---

## REPLY BRIEF

---

### DENIAL OF THE WRIT WOULD ONLY PROLONG GUAM'S JUDICIAL CHAOS

Respondent concedes that "at the present time *no* court on Guam is hearing appeals from the Superior Court of Guam because . . . the Supreme Court of Guam does not wish to hear any cases until its existence is finally determined," Opposing Brief 3, and that the "issue must be decided as soon as possible

to permit Guam to have a court to which cases from the Superior Court may be appealed," Opposing Brief 10, but then argues that "such a resolution will come just as quickly by a denial of the Writ of Certiorari as by full review of the issue by this Court." Opposing Brief 10.

Of course this is not so.

> "A simple order denying a petition for a writ of certiorari is not designed to reflect the Court's views either as to the merits of the case or as to its jurisdiction to hear the matter. The Court has frequently reiterated that 'the denial of a writ of certiorari imports no expression of opinion upon the merits of the case, as the bar has been told many times.'" R. STERN & E. GRESSMAN, SUPREME COURT PRACTICE § 5.7 at 213-14 (1969) (footnote omitted).

If the writ is denied petitioner will have no choice but to pursue his appeal in the court of appeals and, if unsuccessful, petition this Court once more.

Dated, Agana, Guam,
April 8, 1976.

Respectfully submitted,
HOWARD TRAPP,
*Attorney for Petitioner.*

EED THROUGH